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7 *Attorneys for Plaintiff/Counterdefendant/Cross Defendant Deutsche Bank National Trust  
8 Company, as Trustee for, Ameriquest Mortgage Securities Inc., Asset-Backed Pass-Through  
9 Certificates, Series 2004-R8, Whose Address is 1761 East St. Andrew Place, Santa Ana, CA  
92705-4934, Its Successors or Assigns*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 DEUTSCHE BANK NATIONAL TRUST  
13 COMPANY, AS TRUSTEE FOR,  
14 AMERIQUEST MORTGAGE SECURITIES  
15 INC., ASSET-BACKED PASS-THROUGH  
16 CERTIFICATES, SERIES 2004-R8, WHOSE  
17 ADDRESS IS 1761 EAST ST. ANDREW  
18 PLACE, SANTA ANA, CA 92705-4934, ITS  
19 SUCCESSORS OR ASSIGNS,

Case No.: 2:17-CV-01764-RFB-VCF

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY FOR THE  
LIMITED PURPOSE OF TAKING  
DEPOSITIONS**

**(First Request)**

20 Plaintiff,

21 vs.

22 SFR INVESTMENTS POOL 1, LLC, a Nevada  
23 limited liability company; THE VILLAS  
24 COMMUNITY ASSOCIATION, a Nevada  
25 non-profit corporation; TERRA WEST  
26 COLLECTIONS GROUP, LLC d/b/a  
27 ASSESSMENT MANAGEMENT SERVICES,

28 Defendants.

SFR INVESTMENTS POOL 1, LLC,

Counter/Cross Claimant,

vs.

1 DEUTSCHE BANK NATIONAL TRUST  
2 COMPANY, AS TRUSTEE FOR,  
3 AMERIQUEST MORTGAGE SECURITIES  
4 INC., ASSET-BACKED PASS-THROUGH  
5 CERTIFICATES, SERIES 2004-R8, WHOSE  
6 ADDRESS IS 1761 EAST ST. ANDREW  
7 PLACE, SANTA ANA, CA 92705-4934, ITS  
8 SUCCESSORS OR ASSIGNS; and ALAN  
9 HECK, an individual,

10 Counter/Cross Defendants.

11 Plaintiff/Counter/Cross Defendant, Deutsche Bank National Trust Company, as Trustee  
12 for, Ameriquest Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series  
13 2004-R8 (hereinafter, "Plaintiff"), Defendant/Counterclaimant/Cross-Claimant, SFR  
14 Investments Pool 1, LLC ("SFR"), and Defendant, The Villas Community Association (the  
15 "HOA"), (collectively referred to as the "Parties"), by and through their respective undersigned  
counsel, hereby stipulate and agree as follows:

16 **I. DISCOVERY COMPLETED BY THE PARTIES**

17 1. The HOA's Initial Disclosures pursuant to F.R.C.P. 26(a);  
18 2. SFR's Initial Disclosures pursuant to F.R.C.P. 26(a);  
19 3. Deutsche Bank's Initial Disclosures pursuant to F.R.C.P. 26(a);  
20 4. The HOA's Interrogatories, Requests for Production, and Requests for  
Admission to Deutsche Bank;  
21 5. SFR's Interrogatories, Requests for Production, and Requests for Admission to  
Deutsche Bank;  
22 6. Deutsche Bank's Initial Expert Disclosure  
23 7. The HOA's Rebuttal Expert Disclosure  
24 8. Deutsche Bank's Interrogatories, Requests for Production, and Requests for  
Admission to the HOA and SFR.  
25 9. The deposition of Deutsche Bank's 30(b)(6) witness.

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1           10.     A Deposition Notice and Subpoena Duces Tecum to Assessment Management  
2 Services aka Terra West, noticed by Deutsche Bank.

3       **II.     DISCOVERY TO BE COMPLETED IN THE FUTURE**

4           1.     The deposition of a witness for the HOA, originally scheduled to be held on  
5 January 29, 2018.

6           2.     Deutsche Bank's responses to SFR's Interrogatories, Requests for Production,  
7 and Requests for Admission, currently due on January 29, 2018.

8           3.     Deutsche Bank's responses to the HOA's Interrogatories, Requests for  
9 Production, and Requests for Admission, currently due on January 29, 2018.

10          4.     SFR's responses to Deutsche Bank's Interrogatories, Requests for Production,  
11 and Requests for Admission, currently due on January 29, 2018.

12          5.     The HOA's responses to Deutsche Bank's Interrogatories, Requests for  
13 Production, and Requests for Admission, currently due on February 16, 2018.

14       **III.    REASONS THAT DISCOVERY WAS NOT TIMELY COMPLETED**

15           The parties seek an extension for the limited purpose of conducting a deposition of the  
16 F.R.C.P. Rule 30(b)(6) witness for the HOA Trustee, Assessment Management Services aka  
17 Terra West ("AMS") and the HOA. A deposition of AMS was scheduled for January 26, 2018.  
18 However, counsel for the witness, Aviva Gordon Esq., has many scheduling conflicts and the  
19 witness for AMS recently had a baby. As such, neither party is available until February 6,  
20 2018.

21           Additionally, the deposition of the HOA was scheduled to occur on January 29, 2018,  
22 for which no witness appeared due to an inadvertent mistake. Based thereon, the parties are  
23 unable to complete these depositions within the existing discovery deadline, which is currently  
24 on January 29, 2018.

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1       **IV. REASONS WHY DISCOVERY SHOULD BE EXTENDED:**

2              Regarding the requested extension of discovery, good cause exists to extend the  
3              discovery deadline 30 days for the limited purpose of deposing the HOA and the HOA Trustee.  
4              Good cause to extend the discovery cutoff exists "if it cannot reasonably be met despite the  
5              diligence of the party seeking the extension." *See Johnson v. Mammoth Recreations, Inc.*, 975  
6              F.2d 604, 608-09 (9th Cir. 1992). Here, Deutsche noticed the deposition of both the HOA and  
7              the HOA Trustee within the discovery period, however, neither witness was able to attend,  
8              requiring rescheduling of both.

9       **V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

10             The parties propose that all dates in the current Stipulated Discovery Plan and Scheduling  
11             Order, filed on October 18, 2017, be amended as follows:

- 12             1. Discovery cut-off: currently January 29, 2018, desired February 28, 2018.
- 13             2. Dispositive Motions: currently February 28, 2018, desired March 30, 2018.

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1       **VI. CERTIFICATE OF CONFERENCE**

2                   Counsel for all appearing parties has conferred via e-mail with respect to these issues.  
3 All counsel have signed below, thereby indicating their approval of the instant Stipulation  
4 to Extend Discovery and Dispositive Motion Deadline and do not request a conference before the  
5 Court prior to entry of a new Scheduling Order.

6 DATED this 29<sup>th</sup> day of January, 2018.

7 WRIGHT, FINLAY & ZAK, LLP

8 /s/ Ace C. Van Patten, Esq.

9 Ace C. Van Patten, Esq.  
Nevada Bar No. 11731  
10 7785 W. Sahara Ave., Suite 200  
Las Vegas, Nevada 89117  
11 *Attorney for Plaintiff*

12 DATED this 29<sup>th</sup> day of January, 2018.

13 LIPSON, NEILSON, COLE, SELTZER &  
14 GARIN, P.C.

15 /s/ Karen Kao, Esq.

16 J. William Ebert, Esq.  
Nevada Bar No. 2697  
17 Karen Kao, Esq.  
Nevada Bar No. 14386  
18 9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144  
19 *Attorney for The Villas Community Association*

DATED this 29<sup>th</sup> day of January, 2018.

KIM GILBERT EBON

/s/ Diana S. Ebron, Esq.

Diana S. Ebron, Esq.  
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7625 Dean Martin Drive, Suite 110  
Las Vegas, Nevada 89139  
Attorney for SFR Investments Pool 1, LLC

If dispositive motions are filed, the deadline  
for filing the joint pretrial order will be  
suspended until 30 days after decision on the  
dispositive motions or further court order.

21                   **ORDER**

22                   **IT IS SO ORDERED.**

23 DATED this 5th day of February, 2018.



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25                   UNITED STATES MAGISTRATE JUDGE  
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